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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DISPATCHED BY

PR Docket No. 93-305

In the Matter of

Amendment of the Amateur Service Rules
to Implement a Vanity Call Sign System.

MEMORANDUM OPINION AND ORDER

Adopted: September 21, 1995; Released: October 2, 1995

By the Commission:

I. INTRODUCTION

1. On December 23, 1994, we adopted a Report and Order¹ (Order) establishing a system for the assignment of vanity call signs to amateur stations. Petitions for Reconsideration were timely filed by The American Radio Relay League, Inc., (ARRL), Garry R. Shapiro (Shapiro), David B. Popkin (Popkin), and Richard F. Gillette (Gillette). Based on the Petitions for Reconsideration, we make several minor revisions to the rules as described more fully below.

II. THE PETITIONS FOR RECONSIDERATION

2. The ARRL, in its petition, notes that the vanity call sign system would permit a licensee to apply for a call sign from any call area block, or a call sign dedicated to specific island and insular areas.² ARRL argues that it would be unfair for a licensee in one region to usurp a call sign in another region.³ ARRL noted that this would be particularly harmful to persons

living in Puerto Rico, Alaska, Hawaii, and certain possessions of the United States.⁴ Shapiro is concerned that allowing applicants to obtain call signs without regard to region would result in listeners not being able to determine a station's location from the station identification announcement alone.⁵

3. Popkin states that the rule should be revised to prohibit an applicant from obtaining a call sign for a higher operator class simply because the call sign was once held by a relative now deceased. He argues that such a revision is necessary so that a listener can determine from the call sign alone the operator class held by the station's licensee. He also requests that applications be dismissed when no requested call sign is assignable so as to avoid the possibility that the original call sign will be designated as a vanity call sign. He further requests that we adopt a provision for continuing operating authority beyond the license expiration date, if the renewal application for a station assigned a vanity call sign is timely filed. Additionally, he seeks clarification that applications for vanity call signs will be processed in the order in which they are received. Finally, Popkin seeks confirmation that call signs for which the previous holder is still eligible under the two-year renewal grace period will not be inadvertently assigned to another station. In this regard, he requests that there be a 90-day interval between the end of the renewal grace period and the time when the call sign becomes assignable under the vanity call sign system.⁶

4. Gillette requests that a special starting gate be created for license trustees of established club stations to request the call sign of a deceased club member. The new gate would be inserted between starting Gates 1 and 2. He states that allowing such clubs an advantage in obtaining the call sign of a deceased member would make it possible for the call sign of a former member to be associated with the club's history.⁷

5. A petition for rule making, dated April 27,

¹ 10 FCC Rcd 1039 (1995).

² See Amateur Station Sequential Call Sign System, Fact Sheet PR-5000 #206 dated February, 1995, and Amateur Station Vanity Call Sign System, Public Notice 52540 dated March 3, 1995. See also ARRL Petition for Partial Reconsideration at 2.

³ Petition for Partial Reconsideration of ARRL at 3.

⁴ *ibid.* at 4.

⁵ Petition for Reconsideration filed by Shapiro.

⁶ Petition for Reconsideration filed by Popkin.

⁷ Petition for Reconsideration filed by Gillette.

1995, was filed by Richard C. Bean (Bean). In it, Bean asks that military recreation stations also be made eligible for vanity call signs. The proposed and final rules in this proceeding specifically excluded military recreation stations from such eligibility.⁸ Therefore, Bean's petition for rule making is dismissed as repetitive.⁹ Moreover, even if we were to construe Bean's filing to be a petition for reconsideration of our decision to exclude military recreation stations from eligibility for vanity call signs, it would be dismissed because it was not timely filed. Likewise, the late-filed petitions for reconsideration of Jim Kassel and Jack W. Greenwood are dismissed.

III. DISCUSSION

6. In the Report and Order we considered prohibiting applicants from requesting call signs that are assignable to stations outside the call sign region where the licensee resides. We decided, however, not to impose this limitation because it would restrict the applicant's choice of vanity call signs to ten percent or less of the call signs assignable to a particular station. We also noted that such a limitation could easily be circumvented by using a mailing address in another call sign region.¹⁰ The ARRL, Shapiro, and Popkin argue that the vanity call sign system should be consistent with the sequential call sign system¹¹ which selects call signs based on the applicant's operator class and region of mailing address.

7. Both the sequential system and the vanity system provide members of the amateur service community with the framework under which any operator can obtain a call sign corresponding to his or her class of operator license and region of mailing

address.¹² However, unless the holder requests a change when upgrading to a higher operator class or when moving to a mailing address in a different region, the call sign is not changed. We still believe that it is unnecessary to impose a rigid correlation between the licensee's mailing address, license class, and call sign. Knowing the station's call sign, an interested party can refer to the Commission's licensee data base¹³ to learn the licensee's mailing address and operator class. A listener, however, has no assurance that any call sign by itself accurately represents either the licensee's operator class or the region corresponding to the location of the station. The control operator may hold an operator license grant higher than that indicated by the call sign and the station may be transmitting from any region.¹⁴

8. We decline, therefore, to impose a strict limitation on selecting vanity call signs according to the applicant's mailing address. We recognize, however, that the relatively small number of call signs designated for licensees with mailing addresses in Region 11 (Alaska), Region 12 (Caribbean Insular areas), and Region 13 (Hawaii and the Pacific Insular areas) could become quickly depleted by stations situated in Regions 1-10 (the 48 contiguous states and the District of Columbia).¹⁵ We agree that this would be unfair to

¹² The Commission regulates the amateur service in thirteen regions. See Appendices 1 and 2, Part 97 of the Commission's Rules, 47 C.F.R. §§ 97.1-97.527. These regions evolved from the U.S. Naval Districts as they existed early in this century and, as demonstrated in this proceeding, are continued in response to the desires of the amateur service community.

¹³ The amateur service licensee data base is accessible via the Internet. It is also available from various suppliers.

⁸ The proposed rule was 97.19(e). The final rule appears in 47 C.F.R. § 97.19(a).

⁹ See Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e).

¹⁰ Order, paragraph 10.

¹¹ The sequential call sign system sequentially selects a new call sign from alphabetized regional-group listings for the licensee's operator class and mailing address.

¹⁴ See Section 97.5(d), 47 C.F.R. § 97.5(d). A person who has been granted an amateur station license is authorized to use transmitting apparatus anywhere the amateur service is regulated by the Commission.

¹⁵ For example, in Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) the Group A block consists of 11,076 call signs. For Guam, in Region 13, the Group A block consists of only 104 call signs. As of January 31, 1995, there were 2,762 Amateur Extra Class licensees in Region 1 and 55 Amateur Extra Class Licensees on Guam.

licensees who reside in Regions 11, 12, and 13. We will, therefore, modify the rules to limit the assignability of any call sign designated in the sequential call sign system for those three regions to licensees having mailing addresses in the specific state, commonwealth, or island corresponding to the call sign. Those licensees can also request call signs in Regions 1-10.

9. The current vanity call sign system allows a licensee to request a call sign corresponding to the same operator class currently held, or to a lower class. The rules, however, permit a close relative to request the former call sign of a deceased licensee regardless of operator class. Upon reconsideration, we are persuaded that this latter provision could result in unfair assignments. For example, a Novice Class operator could obtain a Group A call sign simply because a now-deceased relative once passed the rigorous examination for an Amateur Extra Class operator license.¹⁶ For this reason, we conclude that the close relative exception should be limited to persons who hold the requisite or higher class of operator license. The lower class licensee, however, is not without recourse. Section 97.19(c)(3) of the Commission's Rules, 47 C.F.R. § 97.19(c)(3), provides a two-year period following a licensee's death during which the call sign is available only to close relatives. This allows a reasonable period for the relative to pass the examinations for the requisite class of license.

10. In the Report and Order, we found that priority should be given to applicants based on the order in which the applications for vanity call signs are received. For this reason, we established a series of four starting gates. Gate One allows a previous holder or, where the holder is deceased, a close relative to apply for that call sign. Gate Two allows Amateur Extra Class operators to apply for any assignable call sign. Gate Three allows Advanced Class operators to apply for a call sign applicable to that class, or a lower class, of license. Gate Four opens the system to any licensee. Upon reconsideration, we find that priority should also be given to established clubs obtaining the call signs of deceased members. We will, therefore,

issue a public announcement detailing a fifth starting gate. This new gate will follow Gate 1 and will be designated as Gate 1A. Thus, before the call sign of a deceased licensee will be made available to the vanity call sign system generally (Gates 2, 3 and 4), a close relative of the deceased licensee will be able to request the call sign under Gate 1. If it is unclaimed, then the club to which the deceased licensee belonged will be able to request it under Gate 1A. For Gate 1A, we will require a club station to have been licensed at the time that the Report and Order became effective, i.e., on March 24, 1995. This is necessary to prevent newly-licensed club stations from using Gate 1A solely to gain the unfair advantage of early access to the vanity call sign system. A club station licensed after March 24, 1995, will become eligible to apply immediately under Gate 4 for the call sign of a deceased club member without being required to comply with the normal two year waiting period.

11. Current procedures ensure that applications are processed in the order in which they are received. Therefore, we do not believe that it is necessary to adopt a formal rule stating this requirement. All application forms are stamped with the receipt date at the contractor's facility. Periodically, batches of such forms are forwarded to our processing facility. The applications are then distributed to the processor's work station in accordance with the contractor's receipt date. Those with earlier receipt dates are processed before those with later receipt dates.

12. We also conclude that it is unnecessary to extend the two-year period during which a call sign, associated with an expired license, is unavailable to the vanity call sign system. Our licensing procedures provide that, even if a renewal application is received on the last day of the grace period, no other conflicting application, such as a request for a vanity call sign, would be processed until the renewal application has been acted upon.

13. We also decline to adopt a rule requiring that an application be dismissed if the call signs requested are not available. Section 97.19(d)(2) of the Commission's Rules, 47 C.F.R. § 97.19(d)(2), specifies that, when none of the call signs requested are assignable, the call sign vacated by the applicant will be shown on the license grant. When the grant has been made, the application is no longer regarded as pending.

¹⁶ Under the sequential call sign system, Group A call signs are assigned only to the station of those holding the highest class of operator license, Amateur Extra. The Novice is an entry level class of license having minimal examination requirements.

At that point, there would be no application to dismiss. With respect to the suggestion that the rules be amended to state that when a timely-filed renewal application is pending for a station having a vanity call sign, there should be continuing operating authority, we agree. This is how all other amateur station licenses are treated. See Section 97.21(a)(3)(i) of the Commission's Rules, 47 C.F.R. § 97.21(a)(3)(i). Thus, we will amend Section 97.21(a)(3)(ii) of the Commission's Rules, 47 C.F.R. § 97.21(a)(3)(ii) to reflect this change.

IV. CONCLUSION

14. For the foregoing reasons, we decline to limit vanity call signs to those available in the applicant's call sign region within the 48 contiguous United States. We are limiting, however, the assignability of call signs designated for Regions 11, 12, and 13 solely to licensees having a mailing address in the specific state, commonwealth, or island of those regions. This limitation does not apply to former call sign holders or to close relatives of deceased call sign holders. We also amend our rules to require that, in the case of a close relative applying for the former call sign of a deceased licensee, the applicant must hold the requisite class of operator license.

15. Additionally, we are amending the rules to specify that applicants who timely file applications for renewal of a station license having a vanity call sign will have continuing operating authority. We are also allowing clubs to obtain the call sign of a deceased member, with an additional starting gate giving priority to clubs existing on March 24, 1995. Finally, we have included an editorial change pertaining to the correct numbering and wording of Section 97.17(g), 47 C.F.R. § 97.17(g).

V. ORDERING CLAUSES

16. For the reasons given herein, and pursuant to the authority contained in 47 U.S.C. §§ 154(i), and 303(o) and (r), IT IS ORDERED that Part 97 of the Commission's Rules, 47 C.F.R. Part 97, IS AMENDED, effective November 17, 1995, as set forth in the Appendix.

17. The petitions for reconsideration of The American Radio Relay League, Inc., Garry Shapiro, and

David B. Popkin ARE GRANTED IN PART. The petition for reconsideration of Richard F. Gillette IS GRANTED in its entirety.

18. The Petition for Rule Making filed by Richard C. Bean IS DISMISSED as repetitive, pursuant to Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e).

19. The late-filed Petitions for Reconsideration of Jim Kassel and Jack W. Greenwood ARE DISMISSED, pursuant to Section 1.429(d) of the Commission's Rules, 47 C.F.R. § 1.429(d).

20. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

APPENDIX

(a) * * *

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

(3) * * *

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

(ii) When the license shows a call sign selected by the vanity call sign system, the application must be filed as specified in Section 97.19(b). When the application has been received at the proper address specified in the Wireless Telecommunications Bureau Fee Filing Guide prior to the license expiration date, the licensee operating authority is continued until final disposition of the application.

* * * * *

2. Section 97.17 is amended by removing paragraph (g) and by redesignating paragraph (h) as paragraph (g).

3. Section 97.19 is amended by revising paragraph (d) introductory text and adding new paragraph (d)(4) to read as follows .

§ 97.19 Application for a vanity call sign.

* * * * *

(d) The vanity call sign requested by an applicant must be selected from the group of call signs corresponding to the same or lower class of operator license held by the applicant as designated in the sequential call sign system.

* * * * *

(4) A call sign designated under the sequential call sign system for Alaska, Hawaii, Caribbean Insular Areas, and Pacific Insular areas will be assigned only to a primary or club station whose licensee's mailing address is in the corresponding state, commonwealth, or island. This limitation does not apply to an applicant for the call sign as the spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew, or in-law, of the former holder now deceased.

4. Section 97.21(a)(3)(ii) is revised to read as follows:

§ 97.21 Application for a modified or renewed license.